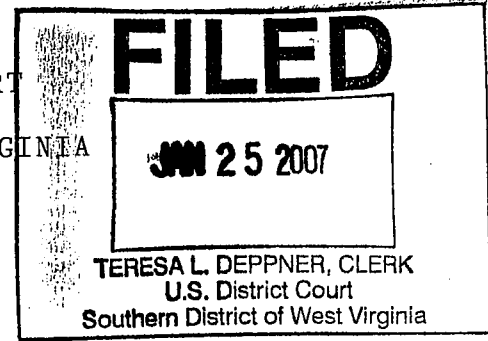


IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA



MICHAEL ALLEN KOKOSKI,  
Petitioner/Plaintiff,

v.

Case No. 5:07-0056

CHARLES T. FELTS, Warden,  
Respondent/Defendant.

PETITION FOR A RESTRAINING ORDER

COME NOW the Petitioner/Plaintiff, Michael Allen Kokoski, acting pro se, in the abovestyled Case pursuant to Rule 65 of the Federal Rules of Civil Procedure, or otherwise, and by this application hereby moves the Court to issue a restraining Order necessary or appropriate to prohibit the Respondent/Defendant Charles T. Felts, Warden of the Federal Correctional Institution in Beaver, West Virginia from denying the movant participation in the Certified Religious Diet Program during the course of this Action.

In further support of this request, Movant says that he has been participating in the Certified Religious Diet Program ("CRDP") offered by the federal Bureau of Prisons ("BOP"), since April 10, 1996 (Exhibit No. 1., Attachment A.). Which program was created by the BOP to provide Jewish Inmates kosher meals during their incarceration; and to meet the dietary needs of such inmates. However, for whatever reasons as may become apparent during the course of this action, the Respondent/Defendant has unreasonably removed Movant from participation in this program due to no fault of his own. And his First Amendment rights have been abridged,

under the Religious Freedom Restoration Act of 1993 (as amended), without due process of law, by the Respondent/Defendant and his agent(s), causing Movant to violate substantial tenets of his religious faith through the deliberate indifference or incompetence of the nonmoving party(s) herein. Id. Thereby imposing substantial burdens upon Movant's ability to practice his religious preference (i.e. Messianic Judaism), in this Case. As the attached evidence discloses. Supra.

Furthermore, Movant has several pending actions currently pending adjudication, on the merits, against this same Respondent/Defendant, before the Court, in the matter of Michael Allen Kokoski, v. Charles T. Felts, Warden, Case Nos. 5:06-cv-00024; 5:06-cv-00605; 5:06-cv-00629; 5:06-cv-00849 (i.e. all petitions for cause to issue the writ of habeas corpus); and in Michael Allen Kokoski, v. Charles T. Felts, Civil Action 5:07-cv-00039 (SDWVa)(i.e. To vindicate basic constitutional rights of access to the Courts); which litigations could reasonably be adversely effected by the Respondent/Defendant's denial to provide Movant kosher foodstuffs, herein, this Case. As Movant is a human being and cannot litigate his cases before the court if he cannot eat. And, Movant cannot meet his dietary requirements through any other means (such as commissary shopping) without needlessly jeopardizing his health. As these foods are not adequate to sustain human life and are provided to the inmate population as snack items only.

And Movant is likely to suffer irreparable harm unless the Court intervene by granting the restraining Order herein. (id.)

And the Respondent/Defendant herein could not possibly be prejudiced if the Court would grant this motion or application without first giving him/them an opportunity to be heard in opposition to this request. As there could be no legitimate penicological interest served in denying Movant participation in this program to which he has tenure, at all times, from April 10, 1996. Supra.

Whereof Movant attaches hereto and incorporates the following exhibits in support of this Motion:

1. The "DECLARATION OF MICHAEL ALLEN KOKOSKI", dated January 24, 2007 with all attachments thereto. (i.e. "Exhibit No. 1.", and Attachment A., thereto).

WHEREFORE, and based upon the foregoing, Movant prays the Court grant this Motion and any further relief to which he may be entitled to.

January 24th 2007  
DATE

Respectfully Submitted,

Michael Allen Kokoski UCC 3-419  
MICHAEL ALLEN KOKOSKI 02115-061  
FEDERAL CORRECTIONAL INSTITUTION  
BECKLEY --  
P. O. Box 350,  
Beaver, West Virginia 25813

Acting pro se.

cc. Teresa L. Depner;  
United States Attorney's Office;  
Michael A. Kokoski;  
file.

ATTACHMENTS

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a copy of the foregoing  
Petition for a Restraining Order with all attachments to Counsel  
for the Opposing party(s) this 29th day of January, 2007.

Addressed as follows

OFFICE OF THE UNITED STATES ATTORNEY  
Robert C. Byrd Federal Courthouse  
300 Virginia Street East  
Post Office Box 1713,  
Charleston, West Virginia 25326

Michael Allen Kokoski, vcc 3-419  
MICHAEL ALLEN KOKOSKI 02115-061  
FEDERAL CORRECTIONAL INSTITUTION  
BECKLEY--  
P.O. Box 350,  
Beaver, West Virginia 25813

Acting pro se.

cc. Teresa L. Depner;  
United States Attorney's Office;  
Michael A. Kokoski;  
file.

Name: MICHAEL KONOSHI  
Reg #: 02115-061  
Federal Correctional Institution-Beckley  
P.O. Box 350  
Beaver, WV 25813

24 JAN  
2007

1-17-07



Teresa L. Deppner, Clerk  
U.S. District Court  
P.O. Box 5009  
Beckley, W.Va. 25801

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